IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 1867 of 1994

Between:

1. V.Venkatapathi Raju, S/o.Anjaneya Raju.
2. R.Vishwanatha Raju, S/o. Appala Raju.
3. S.V. Laxminarayana, S/o. Rama Rao.
4. P.V.Satyanarayana, S/o. P.Nagabhushana Rao.
5. B.Ramakrishna Rao, S/o. Appala Swamy.
6. N.Ramakrishnam Raju, S/o. Narasimha Raju.
7. D.K.Pullam Raju, S/o. Sreeramamurthy Raju.
8. B.H.V.R.V. Prasada Raju, S/o. V.K.Raju.
9. S.M.C.H.Varma, S/o. Vishwanatha Raju.
10. M.Narasimha Murthy, S/o. Subba Rao,
11. B.Satyanandam, S/o. Bhushanam.
12. G.Venkateshwara Rao, S/o. Rama Rao.

(All are working as NMRs under the Executive Engineer (Drainage).

and Division Bhimavaram, West Godavari District).

..... PETITIONERS

AND

1. The Principal Secretary to Government, Irrigation and Command Area Development
Department, Secretariat Buildings, Hyderabad.

2. The State of A.P. represented by its Secretary, Legislative Affairs, Secretariat Buildings, Hyderabad.

3. The Executive Engineer, Drainage Division, Bhimavaram, W.G. District.

4. The Deputy Executive Engineer, Drainage Sub-Division, Bhimavaram, West Godavari District.

5. The Deputy Executive Engineer, Drainage Sub-Division, Palkol, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order, or direction more particularly in the nature of Writ of Mandamus calling for the records of the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act No.2 of 1994 and quash the same by declaring as illegal, unconstitutional, violation of Articles 14, 16, 21, 254, 311 and 323(A) of the Constitution of India and beyond the competency of State Legislature and consequently direct the respondents to continue the petitioners' services in the same posts by paying the wages on par with the regular employees.

Counsel for the Petitioners: MR.P.RAGAVENDRA REDDY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

ORAL ORDER:

The Constitutional validity of Act No.2 of 1994 is the subject matter of challenge in this Writ Petition. Petitioners, 12 in number, seek regularization of their services. Counter affidavit is filed by the 3rd respondent, wherein it is specifically stated that from out of the 12 petitioners, the services of eight of them have already been regularized. As such no further directions are required to be passed in respect of these eight petitioners.

2. With regard to petitioner Nos.4, 8, 10 and 12 it is stated in the counter affidavit that all of them filed O.As., before the A.P. Administrative Tribunal in O.A.Nos.7690 of 2000, 3984 of 2000, 5085 of 1998 and 4845 of 2000 respectively, wherein they had sought a direction that their cases be considered as per G.O.Ms.No.212, dated 22.4.1994. It is stated in the counter affidavit that 3 O.As., i.e., O.A.Nos.7690 of 2000, 3984 of 2000 and 5085 of

1998 were disposed of by the A.P. Administrative Tribunal directing that the petitioners' case for regularization be considered. It is further stated that against the orders passed by the A.P. Administrative Tribunal in the aforesaid O.As., Writ Petition Nos.762, 778 and 791 of 2002 are filed before this Court and that this Court passed an interim order that the order of A.P. Administrative Tribunal shall not be given effect to. Insofar as the other O.A. viz., O.A.No.4845 of 2000, it is specifically averred that the said OA is still pending.

3. In view of the fact that petitioners 4, 8, 10 and 12 have elected to approach A.P. Administrative Tribunal seeking regularization of their services in terms of G.O.Ms.No.212, dated 22.4.1994, nothing survives in this Writ Petition, which is filed challenging the validity of Act 2 of 1994. Needless to state that the interim order passed in this Writ Petition merges with the final order now being passed and the same does not survive.

4. The Writ Petition is accordingly dismissed. No costs.

11.07.2005

SSR

To

1. The Principal Secretary to Government, Irrigation and Command Area Development
Department, Secretariat Buildings, Hyderabad.

2. The Secretary, Legislative Affairs, State of A.P. Secretariat
Buildings, Hyderabad.

3. The Executive Engineer, Drainage Division, Bhimavaram, W.G. District.

4. The Deputy Executive Engineer, Drainage Sub-Division, Bhimavaram, West Godavari District.

5. The Deputy Executive Engineer, Drainage Sub-Division, Palkol, West Godavari District.

6. 2 CCs to G.P. for Irrigation and CAD, High Court of A.P. Hyderabad. (OUT)

7. 2 CD copies

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